

**Board for Branch Pilots**  
**PRE-NOIRA CHECKLIST EXPLANATION SHEET**

**1. Reasons for the Proposed Regulations (satisfies 1.b of the Pre-NOIRA section of EO25)**

Due to recent disciplinary files that were brought before the Board, the Board for Branch Pilots has determined that their regulations governing the performance of a branch pilot's duties while chemically and/or physically impaired may need to be clarified.

The purpose of the proposal is to make the following changes:

- Clarify the Board's regulations relating to chemical and physical impairments and testing therefore.
- Other changes which may be necessary pursuant to the Board's periodic review of its regulations.

**2. Legal Authority/Mandate (satisfies 1.a of the Pre-NOIRA section of EO25)**

§ 54.1-902.A of the Code of Virginia authorizes the Board for Branch Pilots to promulgate regulations for a regulatory system to regulate individuals in Virginia that practice as branch pilots. While the Board is mandated to establish regulations, the content of the regulations is up to the discretion of the Board.

**3. Statement of Essential Nature (satisfies 1.c of the Pre-NOIRA section of EO25)**

The regulations are essential to comply with state mandates and to adopt the least burdensome alternatives allowed.

In order to protect the public, the Board desires to clarify in its regulations as to when a pilot is considered impaired so that the pilots are clear when not to pilot a ship and to ensure that its regulations in this area are current with the realities of today's world. Most chemical testing programs are set up to screen during four different times: pre-employment; random; periodic; and upon reasonable suspicion. Currently the Board's regulations only clearly address pre-employment, periodic and upon reasonable suspicion testing and does not address random testing. In addition, the Board's regulations do not clearly address impairment by over the counter medications, prescribed medications, or combinations thereof.

**4. Statement of Alternatives Considered (satisfies 1.d of the Pre-NOIRA section of EO25)**

Failure to adopt these changes will permit the Board's regulations to remain potentially vague in this very important area of public protection.

The Board will certainly consider any and all comments received during the NOIRA comment period and the proposed regulation comment period as to any proposed alternatives. In addition, anyone may petition the Board to consider a proposed regulatory change at any time in accordance with the Board's Public Participation Guidelines.

5. **Statement of Impact on Families**

The contemplated changes are expected to have no impact on families.